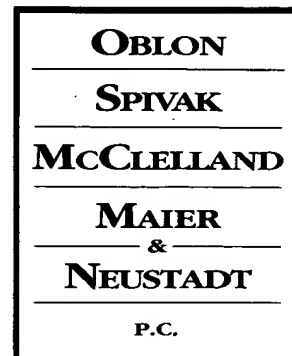


DOCKET NO: 192403US55X

"RESPONSE UNDER 37 CFR 1.116-
EXPEDITED PROCEDURE EXAMINING
GROUP 3721"

#21
K. G. H.
1/15/03

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



Re: U.S. Application
Serial No: 09/584,182
RCE Filed: September 11, 2002
Group: 3721
Inventor: David SUDA, et al.
For: APPARATUS AND
METHOD FOR BAGGING
AN ITEM

ATTORNEYS AT LAW

JEAN-PAUL LAVALLEYE
(703) 412-6255
JLAVALLEYE@OBLON.COM
CHRISTOPHER D. WARD
SENIOR ASSOCIATE
(703) 413-3000
CWARD@OBLON.COM

SIR:

Attached hereto for filing are the following papers:

REQUEST FOR RECONSIDERATION (After Final)

Our check in the amount of **\$0.00** is attached covering any required fees. In the event that any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is attached.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read "J. P. Lavalleye".

Jean-Paul Lavalleye
Attorney of Record
Registration No. 31,451

Christopher D. Ward
Registration No. 41,367



22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 11/98)

JPL:CDW:brf

I:\atty\cdw\225215\192403\SHT-PTO.CVS.wpd

RECEIVED
JAN 6 2003
TECHNOLOGY CENTER R3700
RECEIVED
JAN - 2 2003
TECHNOLOGY CENTER 3700

192403US55X

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
David SUDA, et al. : EXAMINER: HARMON, C.
SERIAL NO.: 09/584,182 :
RCE FILED: September 11, 2002 : GROUP ART UNIT: 3721
FOR: APPARATUS AND METHOD :
FOR BAGGING AN ITEM

REQUEST FOR RECONSIDERATION

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the Official Action dated October 3, 2002, please reconsider the above-identified application in light of the following discussion.

Claims 1 and 3-8 are presently active in this case.

The Applicants wish to thank Examiners Christopher Harmon and Jogn Sipos for the courtesies extended to the Applicants' representative, Christopher Ward, during the personal interview conducted on November 14, 2002.

In the outstanding Official Action, Claims 1 and 3-8 were rejected under 35 U.S.C. 102(b) as being anticipated by Holt (GB 2,140,765). For the reasons discussed below, the Applicants traverse the anticipation rejection.

During the interview, the direction of rotation of the item during insertion was discussed, as compared to the direction of rolling of the item. Claim 1 defines the direction of rotation as being opposite to the direction of rolling such that the terminal edge of the

elongated sheet is maintained flat against the exterior surface of the rolled item. The Applicants note that the specification clearly describes an embodiment (see Figure 4A) in which a sheet of material (12) has been rolled in a counterclockwise direction. (See page 7, lines 11-14.) As depicted in Figure 4A, the sheet an end (14) positioned in the interior of the roll, and then the sheet spirals outwardly in a counterclockwise manner toward end (16) on the exterior of the roll. The specification then describes the rotation of the rolled sheet of material 12 in a clockwise direction, as depicted by the rotational arrow in Figures 4B and 4C. (See page 7, lines 32-33, and page 8, lines 8-10.) As can be seen upon review of Figures 4B and 4C, the rotation of the rolled sheet of material (12) in a direction opposite to the direction that the sheet is rolled (clockwise versus counterclockwise) ensures that the edge (16) on the exterior of the roll is maintained flat against the exterior surface of the rolled sheet of material. (See page 8, lines 1-5.)

Note that the rotation of the rolled sheet in the manner depicted in Figures 4B and 4C would tend to contract the outer diameter of the rolled sheet, by forming a tighter roll. This rotation is contrary to that described in the Holt reference, in which during a third stage that occurs after the wound piece is within the tubing (22), the winding bar (14) is rotated to cause the wound piece to increase in diameter to fill the tubing (22). (See page 1, lines 107-110, of the Holt reference.)

Independent Claims 1, 3, and 4 of the present application recite a method for inserting an item that is a rolled, elongated sheet of material into a receptacle using an apparatus having a hollow tube section having a first opening and a second opening and a hollow flared section having a narrow opening and a wide opening, where the narrow opening is connected to the first opening. The method comprising the steps of positioning a receptacle over an exterior surface of the tube section adjacent the second opening, inserting the item within the flared

section via the wide opening, and sliding the item through the narrow opening of the flared section, through the tube section, and within the receptacle. Claims 1 and 3 recite a step of rotating the rolled item as the rolled item is inserted within the flared section. Claim 4 recites a step of rotating the rolled item as the rolled item is slid through the tube section.

The Applicants submit that the Holt reference does not disclose a method of inserting an item into a receptacle utilizing an apparatus having a hollow flared section and a hollow tube section. As discussed during the personal interview, the Holt reference does not disclose a method using an apparatus having both a hollow tube section and a hollow flared section, as recited in Claims 1, 3, and 4 of the present application. The cone (20) depicted in the figure of the Holt reference has only a short conical section having an end upon which a transparent packaging tube (22) is placed.

Additionally, the Applicants submit that the Holt reference does not disclose a method of inserting an item into a receptacle including a step of rotating the rolled item as the rolled item is inserted within a flared section of an apparatus, as recited in Claims 1 and 3 of the present application. Furthermore, the Applicants submit that the Holt reference does not disclose a method of inserting an item into a receptacle including a step of rotating the rolled item as the rolled item is slid through a tube section of an apparatus, as recited in Claim 4 of the present application. The rotation of the rolled item during insertion within the flared section and sliding through the tube section provides a method for inserting an item in a non-labor intensive manner and without fraying, bending or otherwise damaging the item. (See page 2, line 2, through page 3, line 27, of the specification.)

The Holt reference describes a web (10) that is piece wound at a winding station (13) and then inserted into an oversized transparent plastic packaging tube (22) and reverse wound to fill the tube. The Holt reference describes three separate and distinct stages during the

packaging process described therein. Namely, a first stage in which a web length (10) is wound on to the bar (14) until a length measured by the head (11) is wound and the winding is braked such that the knife (12) can be used to cut the proper length. (See page 1, lines 98-104.) A second stage occurs “[a]t the end of winding” when the cylinder (19) is powered and the vertical bar (18), arms (17), winding bar (14), end guide (15) and wound piece enter the cone (20) and the tubing (22). (See page 1, lines 104-107.) And a third stage occurs after the wound piece is within the tubing (22) when the winding bar (14) is given reverse rotation to cause the wound piece to increase in diameter to fill the tubing (22). (See page 1, lines 107-110.)

The Holt reference clearly does not disclose a method of inserting an item into a receptacle utilizing an apparatus having a hollow flared section and a hollow tube section. The cone (20) described and depicted in the Holt reference merely includes a single tapered section, and does not include a hollow tube section, as recited in Claims 1, 3, and 4 of the present application. Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection of Claims 1, 3, and 4 of the present application.

The Holt reference clearly does not disclose a method of inserting an item into a receptacle including a step of rotating the rolled item as the rolled item is inserted within a flared section of an apparatus, as recited in Claims 1 and 3 of the present application. The Holt reference clearly states that the cylinder (19) is powered to insert the wound piece into the cone (20) and the tubing (22) only “[a]t the end of winding” after the winding has been braked. The Holt reference does not disclose or suggest rotating the would piece *as the wound piece is inserted within the cone (20)*. Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection of Claims 1 and 3 of the present application.

Furthermore, the Holt reference clearly does not disclose a method of inserting an item into a receptacle including a step of rotating the rolled item as the rolled item is slid through a tube section of an apparatus, as recited in Claim 4 of the present application. As noted above, the Holt reference does not disclose a tube section. The Holt reference clearly states that the cylinder (19) is powered to insert the wound piece into the cone (20) and the tubing (22) only “[a]t the end of winding” after the winding has been braked. The Holt reference does not disclose or suggest rotating the wound piece *as the wound piece is inserted within the cone (20)*. While the Holt reference describes performing a reverse winding once the wound piece is positioned within the tubing (22), it is noted that the tubing (22) is not a tube section of the apparatus recited in Claim 4, and furthermore, it is noted that the reverse winding occurs after the wound piece is positioned within the tubing (22) rather than during sliding therein. The Applicants note that reverse winding, which makes the wound piece expand in diameter, during insertion or sliding of the wound piece within the cone (20) would make the insertion or sliding step difficult if not impossible and would likely damage the wound piece. Accordingly, the Applicants respectfully request the withdrawal of the anticipation rejection of Claim 4 of the present application.

Claims 5-8 are considered allowable for the reasons advanced for Claim 1 from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed, taught, nor suggested by the applied references when those features are considered within the context of Claim 1.

Accordingly, the Applicants respectfully request the withdrawal of the art rejections.

Consequently, in view of the above discussion, it is respectfully submitted that the pending claims are patentably distinguishing over the cited art. The present application is

therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Jean-Paul Lavalleye
Attorney of Record
Registration No. 31,451

Christopher D. Ward
Registration No. 41,367



22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 10/00)

JPL/CDW/brf

I:\atty\cdw\225215\192403\am4.wpd